

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Northern Division

NATIONWIDE MUTUAL INSURANCE CO. \*

Plaintiff \*

Civil Action No.: B-98-3146

vi. \*

STERLING HOMES CORPORATION, et al. \*

Defendants \*

\*\*\*\*\*

DEC 21 1999

**ORDER**

Having considered the Joint Motion for Further Revision of Scheduling Order, it is this

20<sup>TH</sup> day of DECEMBER, 1999,

ORDERED, that the Motion be and the same is hereby GRANTED; and, it is further

ORDERED:

(a) That the Scheduling Order of August 10, 1999 be suspended; and

(b) That the Plaintiff, Nationwide be allowed twenty (20) days from the date of Order to file an amended Complaint herein, naming as additional defendants the Crum & Forster Insurance Company and/or Aetna Property & Casualty Insurance Company; and

(c) That at such time answer is filed on behalf of these additional defendant or defendants, the Court shall enter a second revised Scheduling Order setting forth the dates by which discovery and motions shall be completed in this declaratory judgment action.

*Walter E. Black, Jr.*

WALTER E. BLACK, JR.  
SENIOR DISTRICT JUDGE

*WES*  
*(43)*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Northern Division

NATIONWIDE MUTUAL INSURANCE CO. \*

Plaintiff \*

Civil Action No.: B-98-3146

v. \*

STERLING HOMES CORPORATION, et al. \*

Defendants \*

\*\*\*\*\*

**JOINT MOTION FOR FURTHER REVISION OF SCHEDULING ORDER**

The parties, by their undersigned counsel, hereby move to further revise the Scheduling Order issued by this Court on April 9, 1999, and revised by the Court on or about August 10, 1999, and say:

1. This declaratory judgment action has been filed to determine the existence and scope of potential insurance coverage, and the duty to defend, applicable to an action entitled Baltimore Neighborhoods, Inc., et al. v. Sterling Homes Corp., et al., Civil Action Number B-96-915, in the United States District Court for the District of Maryland.

2. On or about August 9, 1999, the parties filed a Joint Motion to Extend the Scheduling Order in this case, pending intensive settlement negotiations. An Order to this effect was issued by the court on August 10, 1999. Since the date of this Order, these negotiations have proceeded to fruition, and a settlement has been reached between the parties to the underlying case and Nationwide Mutual Insurance Company, which settlement is embodied in a Settlement Agreement that is in the process of being executed.

3. It has also been determined through investigation that two other insurers, the Crum &

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Forster Insurance Company and Aetna Property & Casualty Company, may have owed coverage and/or a duty to defend, to one or more of the Sterling Defendants, and thus, the Sterling Defendants filed with this Court a Motion for Leave to Amend their Counter and Cross-Complaint for Declaratory Relief, to include third-party claims against Aetna and Crum & Forster, and this Motion has been granted by the Court.

4. As part of the proposed settlement agreement in this case, Nationwide will file a motion to amend its Complaint to name Aetna and Crum & Forster as additional Defendants, and, once service of the Sterling Defendants' third-party claim has been accomplished on Aetna and Crum & Forster, the Sterling Defendants will, along with BNI and Michael Hylton, be dismissed from the declaratory action altogether.

5. For all of the foregoing reasons, the current schedule set forth by the Court in its Order of August 10, 1999 is no longer workable, as the additional Defendants, Aetna and Crum & Forster have not yet been made parties to the action, while the Sterling Defendants, BNI and Michael Hylton will, in the near future, be dismissed as parties to the action.

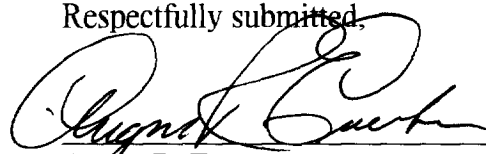
WHEREFORE, it is respectfully requested:

(a) That the Scheduling Order of August 10, 1999 be suspended; and

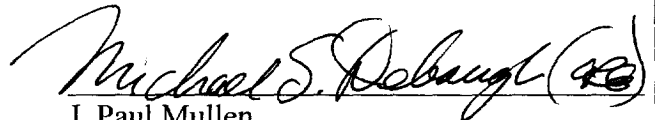
(b) That the Plaintiff, Nationwide be allowed twenty (20) days from the date of Order to file an amended Complaint herein, naming as additional defendants the Crum & Forster Insurance Company and/or Aetna Property & Casualty Insurance Company; and

(c) That at such time answer is filed on behalf of these additional defendant or defendants, the Court shall enter a second revised Scheduling Order setting forth the dates by which discovery and motions shall be completed in this declaratory judgment action.

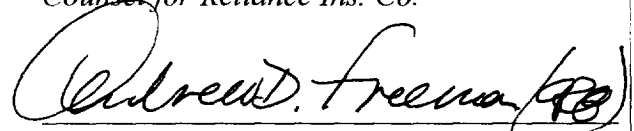
Respectfully submitted,



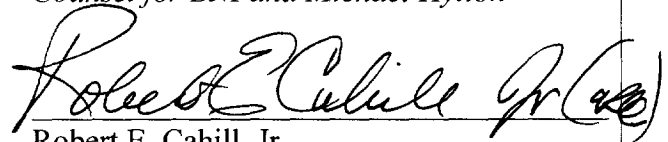
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**CERTIFICATE OF SERVICE**

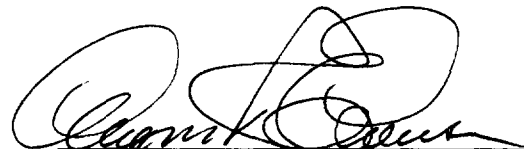
I HEREBY CERTIFY that on this 16<sup>th</sup> day of December, 1999, a copy of the foregoing

Joint Motion for Further Revision of Scheduling Order was mailed to:

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